

**REID RUBINSTEIN & BOGATZ**

I. SCOTT BOGATZ, ESQ.

Nevada Bar No. 3367

KERRY E. KLEIMAN, ESQ.

Nevada Bar No. 14071

300 South 4th Street, Suite 830

Las Vegas, Nevada 89101

Telephone: (702) 776-7000

Facsimile: (702) 776-7900

[sbogatz@rrblf.com](mailto:sbogatz@rrblf.com)

[kkleiman@rrblf.com](mailto:kkleiman@rrblf.com)

**BLANK ROME LLP**

LEIGH ANN BUZIAK, ESQ. (*Pro Hac Vice*)

CHARLES S. MARION, ESQ. (*Pro Hac Vice*)

JEREMY N. KOLMAN, ESQ. (*Pro Hac Vice*)

MICHAEL A. STOOLMAN, ESQ. (*Pro Hac Vice*)

One Logan Square

130 North 18th Street

Philadelphia, PA 19103

Telephone: 215.569.5500

Facsimile: 215.569.5555

[lbuziak@BlankRome.com](mailto:lbuziak@BlankRome.com)

[cmarion@BlankRome.com](mailto:cmarion@BlankRome.com)

[jkolman@BlankRome.com](mailto:jkolman@BlankRome.com)

[mstoolman@BlankRome.com](mailto:mstoolman@BlankRome.com)

*Attorneys for Defendants*

*William Callahan and Kelly Ashman Burke*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

MARINA DISTRICT DEVELOPMENT  
COMPANY, LLC d/b/a BORGATA  
HOTEL CASINO & SPA,  
Plaintiff,

v.

AC OCEAN WALK, LLC d/b/a OCEAN  
CASINO RESORT; WILLIAM  
CALLAHAN; KELLY ASHMAN  
BURKE,  
Defendants.

Case No. 2:20-cv-01592-GMN-BNW

**JOINT NOTICE OF WITHDRAWAL OF  
MOTIONS REGARDING THE FORENSIC  
PROTOCOL AND JOINT REQUEST TO  
CANCEL JANUARY 12, 2021 HEARING**

The Parties, by and through their undersigned counsel, in order to resolve the pending motions regarding the forensic examination of William Callahan's devices (Plaintiff's motion to compel compliance [ECF No. 126], Defendants' motion for protective order [ECF No. 128], and

Defendants' cross-motion to compel compliance [ECF No. 131]) (collectively the "Motions"), and to avoid the need for the Court's intervention regarding the Motions, have reached an agreement on the protocol governing the forensic examination of William Callahan's devices (the "Protocol"). The parties have also reached agreement that Callahan's devices will be made available for collection on Monday, January 11, 2021 at 12:00 p.m. EST, subject to unforeseen delay caused by mail or other matters outside the parties' control. Accordingly, the Motions are moot and no longer require adjudication. The Parties stipulate as follows:

**I. Plaintiff Withdraws Its Motion to Compel Compliance**

In light of the Parties' agreement regarding the Protocol, Plaintiff's motion to compel compliance [ECF No. 126] is now moot. Plaintiff withdraws the motion and all requested relief therein.

**II. Defendants Withdraw Their Motion for Protective Order and Cross-Motion to Compel Compliance**

In light of the Parties' agreement regarding the Protocol, Defendants' motion for protective order [ECF No. 128] and cross-motion to compel compliance [ECF No. 131] are now moot. Defendants withdraw their motions and all requested relief therein.

**III. The January 12 Hearing Is No Longer Necessary**

In light of the Parties' withdrawal of the Motions [ECF Nos. 126, 128, and 131] and all requested relief therein, the hearing scheduled for January 12, 2021 before Judge Weksler is no longer necessary. The Parties jointly request that the January 12 hearing be cancelled.

Dated: January 8, 2021

JACKSON LEWIS P.C.

REID RUBINSTEIN & BOGATZ

/s/ Paul S. Trimmer  
PAUL T. TRIMMER, ESQ.  
Nevada Bar No. 9291  
JOSHUA A. SLIKER, ESQ.

/s/ I. Scott Bogatz  
I. SCOTT BOGATZ, ESQ.  
Nevada Bar No. 3367  
KERRY E. KLEIMAN, ESQ.

1 Nevada Bar No. 12493  
2 300 S. Fourth Street, Suite 900  
3 Las Vegas, Nevada 89101

4 *Attorneys for Plaintiff*

Nevada Bar No. 14071  
300 South 4th Street, Suite 830  
Las Vegas, Nevada 89101

*Attorneys for Defendants*

BLANK ROME LLP

/s/ Michael A. Stoolman

LEIGH ANN BUZIAK

(admitted *pro hac vice*)

JEREMY N. KOLMAN

(admitted *pro hac vice*)

MICHAEL A. STOOLMAN

(admitted *pro hac vice*)

One Logan Square

130 North 18th Street

Philadelphia, Pennsylvania 19103

*Attorneys for Defendants*

ORDER

Before the Court is the parties' joint notice of withdrawal of motions regarding the forensic protocol and joint request to cancel the January 12, 2021 hearing. ECF No. 150. On the basis of good cause, IT IS ORDERED that the parties' joint request is GRANTED and the January 12 hearing is therefore VACATED.

Further, ECF Nos. [82] and [84] are DENIED without prejudice, as this case is stayed with regard to the individual defendants and the case has been transferred to a different court with regard to the corporate defendant. *See* ECF Nos. [91], [118].

Finally, the February 19, 2021 hearing on the motions at ECF Nos. [137] and [145] is VACATED. The Court will instead issue a written order on those motions and the motion at ECF No. [115].

**IT IS SO ORDERED**

**DATED:** 10:44 am, January 11, 2021



**BRENDA WEKSLER**

**UNITED STATES MAGISTRATE JUDGE**